IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10945 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATVARSINH PRATAPSINH VAGHELA

Versus

STATE OF GUJARAT

Appearance:

MR VC VAGHELA, for the Petitioner

MR DS PANDIT, A.G.P. for Respondents.

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 26/02/2001

ORAL JUDGEMENT

Rule. Mr.D.S.Pandit, A.G.P. appears and waives service of rule on behalf of the respondents. By consent of the learned Counsels appearing for the respective parties the matter is taken up for final hearing today.

2. The petitioner who was running a fair price shop under a valid licence issued by Respondent No.3, has filed this petition before this Court challenging the order passed by Respondent No.3 on 18/05/1999 whereunder the licence of the petitioner to run a fair price shop

was cancelled and the amount of deposit forfeited. The said order was confirmed by the Appellate Authority on 21/08/1999 and was confirmed by the Revisional Authority on 05/07/2000.

3. At the time of hearing it was pointed out before us that in order dated 05/07/2000 (Annexure 'E') the Revisional Authority in paragraph 4 of its order has referred to certain documents/statements of different card holders which never formed part of the record which was put to the petitioner for the purposes of arriving at an adverse conclusion / decision. It is, therefore, prayed that there is a breach of principles of natural justice and the impugned order deserves to be quashed and set aside with directions to the Revisional Authority to hear the revision application afresh after supplying the documents / statements on which the authority would like to rely, so as to enable the petitioner to meet the case of the authority and tender any explanation or evidence in rebuttal.

4. Having heard both the sides we find that this petition requires to be allowed on this limited ground alone as there is nothing on record to show that the documents / statements were furnished to the petitioner before using them for arriving at an adverse decision. The petition is accordingly allowed. The order dated 05/07/2000 (at Annexure 'E') is quashed and set aside. The Revisional Authority is directed to supply copies of all documents/statements to the petitioner and grant full and complete opportunity of hearing and comply with principles of natural justice in true spirit. The stay which had been granted to the petitioner by the Revisional Authority during pendency of Revisional proceedings shall operate afresh till the fresh decision is taken by the Revisional Authority.

5. The petition is accordingly allowed as aforesaid. Rule is made absolute to the aforesaid extent with no order as to costs.

(D.A. Mehta, J)

(Katira)